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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,435	01/22/2004	Kazuhiko Tani	04995/133001	5185

7590 04/23/2007
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EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/762,435

Applicant(s)

TANI, KAZUHIKO

Examiner

BRIAN P. YENKE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE/Amendment (05 Apr 07).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 9 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 9 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05 April 2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3a. Claim 2-3, 9 and 13, is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Levenson et al., US 5,331,353 and Choi et al., US 6,006,335.

In considering claims 2-3 and 13,

As disclosed by applicant AAPA (JP-3274878) discloses a system which provides a channel/audio during the latency period, and also starts execution of a starting sequence when a power source operation is inputted at a time of a stop of the apparatus body.

However, as disclosed by applicant AAPA does not explicitly recite stopping the starting sequence to start execution of an ending sequence when the power source operation is inputted during the starting sequence execution.

The examiner will rely upon Levenson which discloses a master television along with its slave units, wherein parental control can be performed via the master television to turn on/off the child's display by forcing credits in or out of the child's allotment. In one example if a child is accessing the system a valid child code is entered then the device checks the child's time account, if there is time remaining in that account power is applied to the TV if there is no time allotted left, the system will not power on and an error tone is generated (col 8, line 50-58). Thus an interrupt may occur when powering on, which can take place either at the master or slave unit, meeting the limitations. Thus in response to the number of operations inputted, the child and/or the parent will effect the status of the power-up/down result as stated above.

The combination above does not disclose the "counts the number of power source operations".

Although it is known to count/observe the number of operations in a given mode (i.e. turn on, then turn off etc...), the examiner incorporates Choi which discloses Fig 5, that it is known to determine/count/observe the number of user key inputs (i.e. interrupts) in order to place the system into appropriate mode (i.e. power save mode 1, power save mode 2 or power off).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify AAPA/Levenson which discloses a system which may interrupt the powering on/off of a TV apparatus from a remote terminal, by counting the number of key inputs within a cycle in order to allow the system to be placed into the mode desired by the user.

In considering claim 9,

Regarding the initialization of blocks, since this feature is a conventional component wherein when a device is power-up or down, the respective components/blocks must be put into a respective state (i.e. being initialized) thus the examiner takes "OFFICIAL NOTICE" regarding such.

3b. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Levenson et al., US 5,331,353, Choie et al., US 6,006,335 and Mears et al, US 20020186325.

In considering claim 4,

The combination of AAPA/Levenson/Choi does not recite this conventional feature of a lamp which is turned off/on based on the starting/ending sequence.

Although, well known the examiner will incorporate Mears et al., (para 0002, Fig 2) which discloses a system which either lights up the power on LED or not (no power) to indicate the power mode to the user, in addition to the blinking limitation claimed.

Thus it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to modify AAPA/Levenson/Choi which discloses conventional power switching and counting user interrupts, by also providing the user conventional display regarding the power state as done by Mears, allowing the user to verify the current selected power status of the device.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571)-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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(FAX) 703-305-7786

(TDD) 703-305-7785

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.


The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS). PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the

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submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



B.P.Y.
12 April 2007



BRIAN P. YENKE
PRIMARY EXAMINER